



# Kingston Monthly Update

June 24, 2010

## **ENVIRONMENT AND CONSERVATION ISSUES \$11.5 MILLION PENALTY AGAINST TVA**

On June 14, 2010, Tennessee Department of Environment and Conservation Commissioner Jim Fyke and Deputy Commissioner Paul Sloan announced the issuance of a Commissioner's Order against the Tennessee Valley Authority assessing \$11.5 million in penalties in response to the catastrophic coal ash release on December 22, 2008. The penalties address violations of the *Tennessee Water Quality Control Act* and the *Tennessee Solid Waste Disposal Act*.

This Order assessing penalties follows an Emergency Order issued immediately after the ash spill on January 12, 2009. The Emergency Order outlines the steps TVA must take to stabilize and remediate the Emory River and surrounding property, and remains in effect. This new Order specifically addresses the violations of Tennessee law resulting from the spill.

The \$11.5 million penalty is to be paid, as follows:

- \$2.5 million to TDEC by July 15, 2010;
- At least \$2 million in Supplemental Environmental Projects to benefit the environment must be proposed by TVA and approved by TDEC by Dec. 31, 2010. If acceptable projects equaling at least \$2 million are not proposed by Dec. 31, TVA must pay any remaining balance;
- \$2 million to TDEC by July 15, 2011;
- \$2 million to TDEC by July 15, 2012;
- \$3 million has been paid to reimburse the department's oversight costs, as required by the January 2009 Emergency Order. TVA must continue to pay these oversight costs over and above the \$11.5 million total assessment.

The Commissioner's Order announced on June 14 specifically reserves the department's right to assess natural resource damages in the future. The Department of Environment and Conservation has obtained the services of Industrial Economics, Inc. to assist state and federal trustees in assessing and recovering natural resource damages from TVA as a result of the spill. Recovering natural resource damages is another step toward restoring these resources for the public.

The full Commissioner's Order can be found on the Department of Environment and Conservation's TVA Kingston Update webpage at [www.tn.gov/environment/kingston](http://www.tn.gov/environment/kingston).

## **EMORY RIVER REOPENED**

The Emory River opened May 29, 2010, at 7:00 am. All dredging operations in the river were complete allowing for the safe passage of vessels through the channel. Swan Pond Embayment, Lakeshore Slough, and the shoreline along Dike C remain closed due to final dredging and construction activities. For this reason, a "No Wake Zone" is posted from Emory River Mile 1.7 to Emory River Mile 2.9.

## COMMISSIONING OF GYPSUM SCRUBBERS

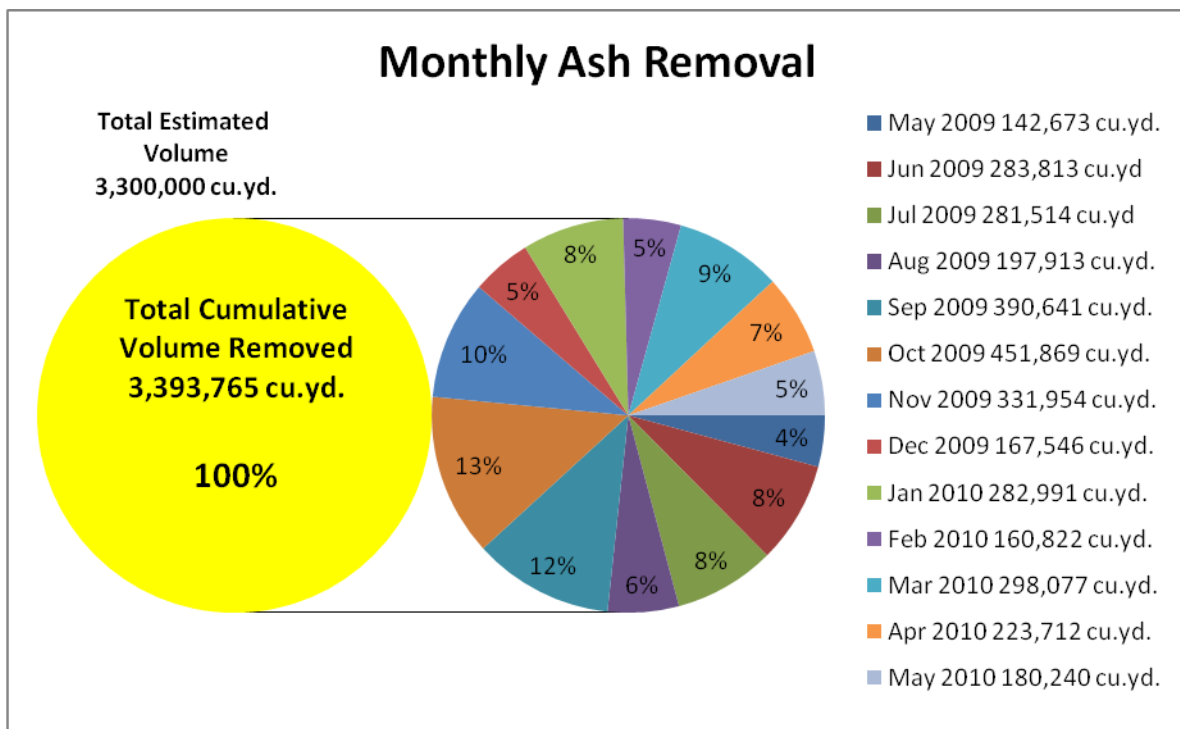
Unrelated to the ash spill, but related to the ongoing operations at the Kingston Fossil Plant, TVA began production at the Kingston Fossil Plant to commission the gypsum scrubbers and to supply power during peak demand. All nine units will be online at least some of the time through the summer as TVA balances the system for the highest removal efficiency. The scrubbers will significantly decrease sulfur dioxide emissions from the plant. The scrubbers are successfully discharging into the gypsum landfill, which drains into the stormwater pond on the peninsula.

## SITE STATISTICS UPDATE

Approximately 3.4 million cubic yards of the ash released into the Emory River and Swan Pond Embayment have been recovered and removed from the water. Minor dredging operations and excavating from Swan Pond Embayment continues through June 2010 to remove small dikes. More than 1.8 million cubic yards have been shipped off-site by rail for disposal in an approved landfill in Alabama.

### **Time Critical Ash Removal - COMPLETE**

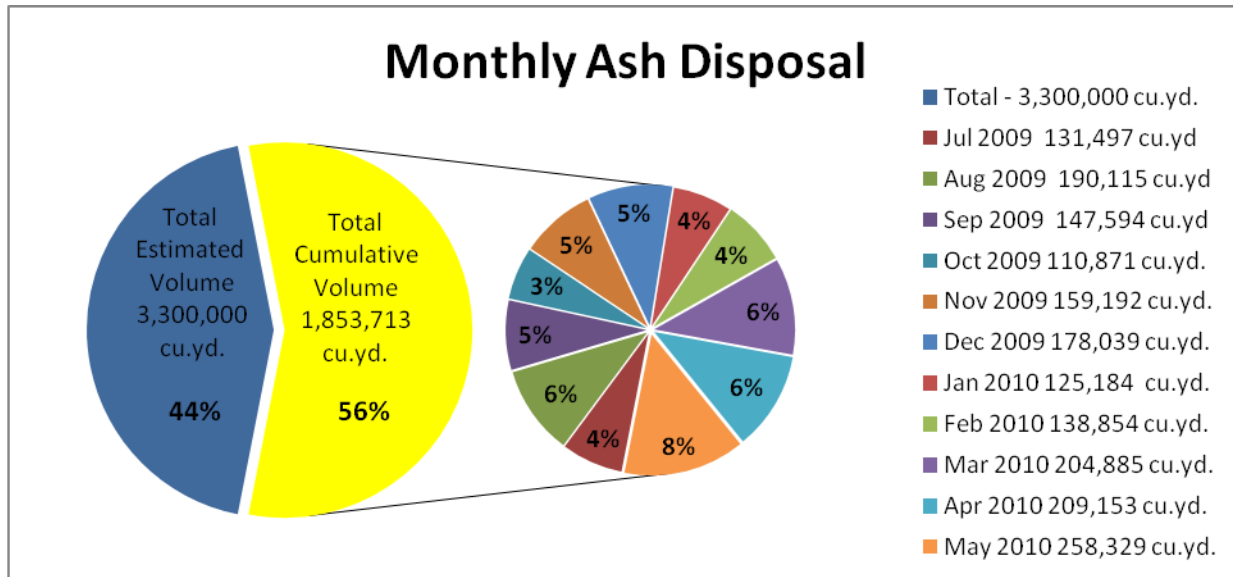
<b>Goal</b>	= 3.3 million cubic yards by Spring 2010 at 10,000 cubic yards/day removal rate
<b>5/31/10 (YTD)</b>	= 3,393,765 cubic yards (2,634,916 from river and 758,849 from embayment)
<b>5/1-31/10</b>	= 180,240 cubic yards removed in 23 workdays = 7,836 cubic yards daily average



## Time Critical Ash Disposal

**Goal** = 3.3 million cubic yards disposed off-site by Fall 2010 at 10,000 cubic yards/day shipping rate  
**5/31/10 (YTD)** = Shipped 1,853,713 cubic yards (converted using 1.3 tons/cubic yard)  
**5/1-31/10** = Shipped 258,329 cubic yards in 26 work days = 9,936 cubic yards daily average

*Estimated completion of time critical ash disposal is November 2010 based on 1,446,287 cubic yards remaining at 10,000 cubic yards/ day shipping rate (six workdays per week).*



## COMMUNITY ACTIVITIES AND MONTHLY UPDATE

TDEC will continue to attend and participate in community meetings associated with the Kingston recovery. The department will be scaling back the monthly updates to quarterly updates, which will correspond with the quarterly public meetings. The quarterly updates will be emailed to the distribution group, posted to the department's TVA Kingston website and also will be available at the public meetings. Interim updates may be sent, however, should a situation warrant.

## CONTACT INFORMATION

If you have any questions or need additional information, please feel free to call TDEC's On-scene Coordinator at the Kingston Recovery Site, Barbara Scott. You can reach her at 865-230-1211, or by e-mail at [Barbara.Scott@tn.gov](mailto:Barbara.Scott@tn.gov).

TDEC has additional information and monitoring data on the department's TVA Kingston Update webpage at [www.tn.gov/environment/kingston](http://www.tn.gov/environment/kingston).